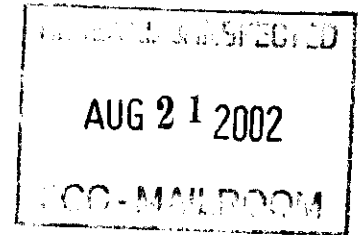


Before the
Federal Communications Commission
Washington, DC 20554



In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Wynot Public Schools)
Wynot, Nevada)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-263129

CC Docket No. 96-45

CC Docket No. 97-21✓

ORDER

Adopted: August 14, 2002

Released: August 15, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by Wynot Public Schools (Wynot), Wynot, Nevada.¹ Wynot requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Wynot's Funding Year 2001 application for discounts under the schools and libraries universal service support mechanism for failure to satisfy minimum processing standards.² For the reasons set forth below, we deny the Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

¹ See Letter from Carol Tramp, Wynot Public Schools, to Federal Communications Commission, School and Libraries Division, Universal Service Administrative Company, filed February 14, 2001 (Request for Review).

² *Id.* Previously, Funding Year 2001 was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus the funding period that began on July 1, 1999 and ended on June 30, 2000, previously known as Funding Year 2, is now called Funding Year 1999. The funding period that began on July 1, 2000 and ended on June 30, 2001 is now known as Funding Year 2000, and so on.

³ 47 C.F.R. §§ 54.501, 54.502.

technological needs and the services for which it seeks discounts.⁴ Once the applicant has complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, the applicant must submit a completed FCC Form 471 application to the Administrator.⁵ The Commission's rules allow the Administrator to implement an initial filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.⁶ Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.⁷ It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window.

3. Consistent with the Commission's rule requiring applicants to submit a "completed FCC Form 471 to the Administrator," SLD utilizes what it calls "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding.⁸ These minimum processing standards are designed to require an applicant to provide at least the minimum data necessary for SLD to initiate review of the application under statutory requirements and Commission rules. One such standard in Funding Year 2001 required the applicant to submit the application using the correct OMB-approved FCC Form 471 dated October 2000.⁹ When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.¹⁰

4. On January 16, 2001, Wynot manually submitted a Funding Year 2001 FCC Form 471.¹¹ The first two pages were submitted using the form for Funding Year 2000 dated September 1999.¹² On February 1, 2001, SLD issued a letter rejecting the application because "[t]he Form 471 submitted is not the correct OMB-approved FCC Form 471 dated October 2000 in the lower right-hand corner of the form."¹³ Wynot now appeals this rejection.

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. § 54.504(c).

⁶ 47 C.F.R. § 54.507(c).

⁷ 47 C.F.R. § 54.507(g).

⁸ 47 C.F.R. § 54.504(c); see SLD website, Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Minimum Processing Standards).

⁹ See Minimum Processing Standards.

¹⁰ *Id.*

¹¹ FCC Form 471, Wynot Public Schools, NEC 471.01-16-01.05200455, filed January 16, 2001 (Wynot Form 471).

¹² *Id.*

¹³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carol Tramp, Wynot Public Schools, dated February 1, 2001 (Rejection Letter).

5. On review, we find that Wynot's original application did not satisfy minimum processing standards. These standards required that Funding Year 2001 applicants use the correct OMB-approved FCC Form 471 dated October 2000 in the lower right hand corner.¹⁴ We have repeatedly affirmed SLD's rejection under this standard of applications that are partly submitted on the incorrect form.¹⁵ Because Wynot submitted the first two pages of its Funding Year 2001 application using the September 1999 form, SLD correctly found that it was not submitted using the correct form.

6. In its Request for Review, Wynot asserts that when the form was downloaded, the applicant "did not see the section marked box year 4."¹⁶ In addition, Wynot asserts that, due to pervasive poverty and the attendant social ills, it relies heavily on the discounts provided under the schools and libraries universal service mechanism.¹⁷ It asserts that, without help, it may not be able to afford its services.¹⁸

7. We find that these assertions do not provide grounds for relief. Wynot's reference to a "section marked box year 4" appears to reflect a misunderstanding of the nature of the identifier of the form version. This identifier is, as noted in the Minimum Processing Standards, the date on the lower right hand corner of the page, not a "section marked year 4."¹⁹ Thus, SLD specifically requires submission of the form with October 2000 on the lower right hand corner.²⁰ The first two pages of Wynot's form, as noted, had the date of September 1999.²¹ In addition, as we have stated before, the assertion that denial of its application may have a detrimental impact on schools and libraries does not provide grounds for relief from a failure to satisfy program rules.²²

¹⁴ *Id.*

¹⁵ See *Request for Review by Cooperative Educational Service Agency #2, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-265173, CC Dockets No. 96-45 and 97-21, Order, DA 02-1202 (Wireline Comp. Bur. rel. May 21, 2002); *Request for Review by Capitol Region Library Council, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-262091, CC Dockets No. 96-45 and 97-21, Order, DA 02-1103 (Wireline Comp. Bur. rel. May 13, 2002).

¹⁶ Request for Review at 1.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Minimum Processing Standards.

²⁰ *Id.*

²¹ Wynot Form 471.

²² See *Request for Review by Northern Waters Library Service, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-183124, CC Docket Nos. 96-45 and 97-21, Order, DA 02-227 (Com. Car. Bur. rel. Jan. 30, 2002) (denying a request for waiver of the Commission's rules based on the assertion that denial would cause the applicant hardship); *Request for Review by Lansingburgh Central School District, Federal-State Joint Board on Universal Service, Changes to the*

8. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Wynot Public School, Wynot, Nevada, on February 14, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert

Deputy Chief, Telecommunications Access Policy Division
Wireless Competition Bureau

Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD-109845, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 6999 (Com. Car. Bur. 1999) ("To simply advert...to its limited resources and the needs of its students, does not distinguish its situation from other applications the SLD must process each funding year in accordance with its filing deadlines.").